

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): S. YAMAZAKI, et al.                                  Group Art Unit: 2872  
Serial No.: 10/823,020    Examiner: James Phan  
Filed: April 12, 2004  
For: SCANNING OPTICAL SYSTEM

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE OFFICE ACTION**

**Mail Stop**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant hereby requests that the holding of abandonment in the above-identified application be withdrawn on the basis that the Applicant did not receive the Office Action mailed November 4, 2005 (or rather November 1, 2005). In addition, the Applicant requests that the November 4, 2005 Office Action be re-mailed and the time period for response thereto be restarted. No petition fee is believed to be required.

**DISCUSSION**

On June 22, 2006, the United States Patent and Trademark Office (USPTO) mailed a Notice of Abandonment (PTO-1432) (Exhibit A). The Notice of Abandonment stated that the above-identified application became abandoned on the basis of "Applicant's failure to timely file a proper reply to the Office letter mailed on November 04, 2005." As further discussed below, the Applicant did not receive the November 4, 2005 Office Action.

Section 711.03(c) of the MPEP states, in part, that:

"The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket records where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement."

The undersigned hereby states that the Office Action mailed November 4, 2005 (or rather November 1, 2005) has, to date, not been received. The undersigned further states that a search of the file jacket and docket records for this application indicates that the November 4, 2005 Office Action has not been received. A copy of the docket record is attached, as Exhibit B, showing where the November 4, 2005 Office Action would have been indicated had it been received and docketed. Furthermore, it is evident from PAIRS that this Office Action was never delivered but rather was returned to the USPTO as undelivered (Exhibit C).

### CONCLUSION

On the basis of the above discussion and the attached documentary evidence (Exhibit B) as well as PAIRS (Exhibit C), the Applicant requests that (1) the holding of abandonment in the above-identified application be withdrawn on the basis that Applicants did not receive the Office Action mailed November 4, 2005, (2) the November 4, 2005 Office Action be re-mailed, and (3) the time period for response thereto be restarted.

**AUTHORIZATIONS**

The Commissioner is hereby authorized to charge any fees which may be required for the consideration of this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-5377. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: July 13, 2006

By:

  
James Hwa  
Registration No. 42,680  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101

## **EXHIBIT A**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: 45 LEXINGTON PARKWAY FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,020	04/12/2004	Shoichi Yamazaki	1232-5377	3545
27123	7590	06/22/2006		
MORGAN & FINNEGANT, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER PHAN, JAMES	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKET DEPARTMENT

Docketed By: Am Date: 6/13/06  
Audited By: gn Date: 6/30  
Filed By: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Notice of Abandonment</b>	<b>Application No.</b> 10/823,020 <b>Examiner</b> James Phan	<b>Applicant(s)</b> YAMAZAKI ET AL. Art Unit 2872
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 04 November 2005.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTO-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTO-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
(c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:



James Phan  
Primary Examiner  
Art Unit: 2872

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## **EXHIBIT B**

9/7/06

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A close-up photograph of a dense, woven fabric, likely a sash or belt. The fabric has a repeating pattern of small circles and squares, possibly made from a metallic or reflective material. The texture is highly detailed, showing the individual threads and the way they are interwoven.

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November 24, 2015 - page

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December 15, 2015

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1951	1951	1961	1971	1981	1991	2001
1952	1952	1962	1972	1982	1992	2002
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1964	1964	1974	1984	1994	2004	2014
1965	1965	1975	1985	1995	2005	2015
1966	1966	1976	1986	1996	2006	2016
1967	1967	1977	1987	1997	2007	2017
1968	1968	1978	1988	1998	2008	2018
1969	1969	1979	1989	1999	2009	2019
1970	1970	1980	1990	2000	2010	2020
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1972	1972	1982	1992	2002	2012	2022
1973	1973	1983	1993	2003	2013	2023
1974	1974	1984	1994	2004	2014	2024
1975	1975	1985	1995	2005	2015	2025
1976	1976	1986	1996	2006	2016	2026
1977	1977	1987	1997	2007	2017	2027
1978	1978	1988	1998	2008	2018	2028
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1980	1980	1990	2000	2010	2020	2030
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1982	1982	1992	2002	2012	2022	2032
1983	1983	1993	2003	2013	2023	2033
1984	1984	1994	2004	2014	2024	2034
1985	1985	1995	2005	2015	2025	2035
1986	1986	1996	2006	2016	2026	2036
1987	1987	1997	2007	2017	2027	2037
1988	1988	1998	2008	2018	2028	2038
1989	1989	1999	2009	2019	2029	2039
1990	1990	2000	2010	2020	2030	2040
1991	1991	2001	2011	2021	2031	2041
1992	1992	2002	2012	2022	2032	2042
1993	1993	2003	2013	2023	2033	2043
1994	1994	2004	2014	2024	2034	2044
1995	1995	2005	2015	2025	2035	2045
1996	1996	2006	2016	2026	2036	2046
1997	1997	2007	2017	2027	2037	2047
1998	1998	2008	2018	2028	2038	2048
1999	1999	2009	2019	2029	2039	2049
2000	2000	2010	2020	2030	2040	2050

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Member	Residence	Offices
John S. 53	53	Office, Action
John S. 267	267	Down Brook St., Sykesville
John S. 97	97	Office, Daffin
John S. 67	67	Office, Celio
John S. 65	65	Residence, Belmont Chase
John S. 64	64	Residence, Belmont Chase
John S. 63	63	Residence, Belmont Chase
John S. 62	62	Residence, Belmont Chase
John S. 61	61	Residence, Belmont Chase
John S. 60	60	Residence, Belmont Chase
John S. 59	59	Residence, Belmont Chase
John S. 58	58	Residence, Belmont Chase
John S. 57	57	Residence, Belmont Chase
John S. 56	56	Residence, Belmont Chase
John S. 55	55	Residence, Belmont Chase
John S. 54	54	Residence, Belmont Chase
John S. 53	53	Residence, Belmont Chase
John S. 52	52	Residence, Belmont Chase
John S. 51	51	Residence, Belmont Chase
John S. 50	50	Residence, Belmont Chase
John S. 49	49	Residence, Belmont Chase
John S. 48	48	Residence, Belmont Chase
John S. 47	47	Residence, Belmont Chase
John S. 46	46	Residence, Belmont Chase
John S. 45	45	Residence, Belmont Chase
John S. 44	44	Residence, Belmont Chase
John S. 43	43	Residence, Belmont Chase
John S. 42	42	Residence, Belmont Chase
John S. 41	41	Residence, Belmont Chase
John S. 40	40	Residence, Belmont Chase
John S. 39	39	Residence, Belmont Chase
John S. 38	38	Residence, Belmont Chase
John S. 37	37	Residence, Belmont Chase
John S. 36	36	Residence, Belmont Chase
John S. 35	35	Residence, Belmont Chase
John S. 34	34	Residence, Belmont Chase
John S. 33	33	Residence, Belmont Chase
John S. 32	32	Residence, Belmont Chase
John S. 31	31	Residence, Belmont Chase
John S. 30	30	Residence, Belmont Chase
John S. 29	29	Residence, Belmont Chase
John S. 28	28	Residence, Belmont Chase
John S. 27	27	Residence, Belmont Chase
John S. 26	26	Residence, Belmont Chase
John S. 25	25	Residence, Belmont Chase
John S. 24	24	Residence, Belmont Chase
John S. 23	23	Residence, Belmont Chase
John S. 22	22	Residence, Belmont Chase
John S. 21	21	Residence, Belmont Chase
John S. 20	20	Residence, Belmont Chase
John S. 19	19	Residence, Belmont Chase
John S. 18	18	Residence, Belmont Chase
John S. 17	17	Residence, Belmont Chase
John S. 16	16	Residence, Belmont Chase
John S. 15	15	Residence, Belmont Chase
John S. 14	14	Residence, Belmont Chase
John S. 13	13	Residence, Belmont Chase
John S. 12	12	Residence, Belmont Chase
John S. 11	11	Residence, Belmont Chase
John S. 10	10	Residence, Belmont Chase
John S. 9	9	Residence, Belmont Chase
John S. 8	8	Residence, Belmont Chase
John S. 7	7	Residence, Belmont Chase
John S. 6	6	Residence, Belmont Chase
John S. 5	5	Residence, Belmont Chase
John S. 4	4	Residence, Belmont Chase
John S. 3	3	Residence, Belmont Chase
John S. 2	2	Residence, Belmont Chase
John S. 1	1	Residence, Belmont Chase

Year	Number of deaths	Rate per 100,000
1967	267	10.6
1968	167	7.4
1969	140	6.1
1970	130	5.5
1971	130	5.5
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## **EXHIBIT C**



## Patent eBusiness

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- [Policy & Law Reports](#)

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## Order Certificate

10/823,020

Scanning optical system

Select New Case	Application Data	Transaction History	Image File Wrapper	Foreign Priority	Published Documents	Address & Attorney/Age
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This application is officially maintained in electronic form. To View: Click the desired Print: Check the desired document(s) and click Start Download.

## Available Documents

Mail Room Date ↑	Document Description ↓	Document Category ↓	Page Count ↑
06-22-2006	Abandonment	PROSECUTION	
11-04-2005	Mail returned to USPTO as undelivered	PROSECUTION	
11-01-2005	Requirement for Restriction/Election	PROSECUTION	
11-01-2005	Bibliographic Data Sheet	PROSECUTION	
11-01-2005	Index of Claims	PROSECUTION	
12-15-2004	Change of Address	PROSECUTION	
—	Information Disclosure Statement (IDS) Filed	PROSECUTION	
09-15-2004	Foreign Reference	PRIOR ART	
09-15-2004	Foreign Reference	PRIOR ART	
09-15-2004	Foreign Reference	PRIOR ART	
09-15-2004	NPL Documents	PRIOR ART	
06-30-2004	Foreign Priority Papers Filed	PROSECUTION	
04-12-2004	Transmittal letter	PROSECUTION	
04-12-2004	Specification	PROSECUTION	
04-12-2004	Claims	PROSECUTION	
04-12-2004	Abstract	PROSECUTION	
04-12-2004	Drawings	PROSECUTION	
04-12-2004	Oath or Declaration filed	PROSECUTION	
04-12-2004	Application Data Sheet	PROSECUTION	
04-12-2004	Fee Worksheet (PTO-875)	PROSECUTION	
04-12-2004	Fee Worksheet (PTO-875)	PROSECUTION	

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- Send general questions about USPTO programs to the [USPTO Contact Center](#)

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